

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FRONT RANGE EQUINE RESCUE,
et al.,

Plaintiffs,

v.

TOM VILSACK, Secretary,
U.S. Department of Agriculture, *et al.,*

Federal Defendants.

Civ. No. 1:13-cv-00639-MCA-RHS

**DECLARATION OF JAMES
STEPHENSON IN SUPPORT OF
YAKAMA NATION'S MOTION
TO INTERVENE.**

DECLARATION OF JAMES STEPHENSON

I, JAMES STEPHENSON, declare as follows:

1. I am currently employed by the Confederated Tribes and Bands of the Yakama Nation ("Yakama Nation") as a Big Game Biologist. I am authorized to act and make statements on behalf of the Yakama Nation on the matters contained herein. I have personal knowledge of the facts set forth in this declaration. The facts set forth are true to the best of my knowledge. If called, I can and will testify to these facts in a court of law. I submit this declaration in support of the Yakama Nation's Motion to Intervene

2. I hold a B.A. in Zoology from Oregon State University (1965) and a M.S. in Wildlife Management from Oregon State University (1970). I have an extensive background in wildlife management and more limited experience as a range manager. I have college training in range management from both Oregon State University and Eastern Oregon College in LaGrande,

Oregon. In the early part of my career I worked on captive propagation of endangered species with the US Fish and Wildlife Service. I also worked for the Idaho Department of Fish and Game on a fisheries project and then worked again on a fisheries project in Washington State. I then took a job with the Department of the Army at Fort Lewis as the Fish and Wildlife Administrator. I was in this position for 21 years and worked on a variety of projects including big game management, waterfowl and upland game management, non-game management, fisheries management and spent part of the time administering a cattle grazing lease. I began my employment with the Yakama Nation in 1996. I assumed my current position in 2002. My primary responsibility is to manage big game resources on the Yakama Nation's reservation. This includes deer, elk, bighorn sheep, mountain goats, pronghorn antelope, a captive herd of buffalo and wild/feral horses.

3. I was raised in eastern Oregon and worked on ranches from the time I was twelve years old until I started college in my early 20's. We occasionally encountered wild horses and I assisted on a couple of roundups in my early years

4. The Yakama Nation owns and manages approximately 1.3 million acres of land in south-central Washington State. The Yakama Nation relies on the natural resources of its land for subsistence hunting and fishing as well as gathering of food and medicine plants. Livestock grazing and timber harvest also generate income to house, clothe, feed, and educate its members. Until recently the free-range horses on the reservation also generated badly needed income for tribal members. Many of these horses were used or sold for saddle horses but a significant number were also sold for meat processing. Approximately 400,000 acres of Yakama Nation land are managed rangelands. Rangeland consists of grasslands populated by native plants that are suitable for grazing by both livestock and wild game. The rangeland area is where the

majority of food and medicine plants occur and also has populations of deer, pronghorn antelope and bighorn sheep. This rangeland area is very sensitive to overgrazing.

5. According to the Bureau of Indian Affairs range management program, the Yakama Nation's land could adequately support a population of 1,000 horses during the 1990's.

6. I participated in a Yakama Nation survey of our feral horse population in 2006. At that time, we estimated that the feral horse population was approximately 6,000 head. Based on our estimates, we project that the current population is 12,000. Given our observations of colt production, we estimate the population will double every four years because we have no economically viable opportunity to humanely reduce this population, namely horse slaughter.

7. Before cessation of horse slaughter in the United States, members of the Yakama Nation could sell horses at a price of approximately \$150 to \$400 per animal. Now, if you can find a buyer, such horses are often sold for prices of \$5 to \$20 per head. Many of these horses cannot be given away.

8. Since the cessation of horse slaughter in the United States, I have witnessed domestic horses that have been abandoned on Yakama Nation land. I know these horses are abandoned because of these horses' demeanor, size, and color. Some of these abandoned horses still bore evidence of previously wearing halters; in some cases the horses were still wearing halters when I found them. I have witnessed abandoned domestic horses that appeared on the verge of starvation.

9. The increased number of horses on the reservation is causing compaction on the soil and is destroying traditional food and medicinal plants, such as camas, bitterroot, Indian celery, wild onions and many other plants of significance to tribal members by trampling and

overgrazing. These plants are sacred to the Yakama Nation and play an important role in the subsistence and cultural life of the Yakama Nation.

10. Overgrazing by excess horses is destroying forage plants. Overgrazing by horses has decimated the forage resources used by the Yakama Nation's cattle. In addition, the denudation of rangeland had substantially decreased Yakama Nation's big game resources. I have observed elk and deer vanish from the rangeland areas, replaced by feral horses. Without an economically viable outlet, such as domestic horse slaughter, the effects of overgrazing by horses will continue to worsen.

11. The denuding of the rangeland by overgrazing caused by the excess horse population is the cause of increased silt runoff into nearby streams. This silt runoff harms Yakama Nation's fishing resources as well as listed salmonid species.

12. With an overpopulation of horses there are more and more incidents of tribal members gathering food and medicine plants having encounters with harem stallions which endanger their safety.

13. I believe it critical to allow horse slaughter again in the United States because without it, the Yakama Nation is suffering massive economic and environmental damage. These damages are, in part, set forth in the 2011 Government Accountability Office report, *HORSE WELFARE: Action Needed to Address Unintended Consequences from Cessation of Domestic Slaughter*, which is available online at <http://www.gao.gov/new.items/d11228.pdf>.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, based on my own personal knowledge and experience.

Executed this 20th day of July 2013, in Toppenish, WA.



JAMES STEPHENSON